

### **REMARKS**

This Amendment is responsive to the Office Action mailed on May 15, 2008. Claims 41-52, and 56 are amended. Claims 41-58 are pending.

Claims 41-58 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wied (EPO 0768050) in view of Tadaharu (JP2000-254087).

Applicant respectfully traverses these rejections in view of the amended claims and the following comments.

#### **Discussion of Amended Claims**

Claim 41 is amended to delete the subject matter pertaining to the provision of a rear rail portion on at least one of the guide rails, so that claim 41 is limited to the alternative of providing a rear cage portion on the cage.

Claims 42, 43-49 are amended to conform to the changes made to claim 41.

Claims 41, 42, 44-46, 48-52, and 56 are amended for clarity and to overcome potential antecedent basis problems with the claim language.

#### **Discussion of Section 103(a) Rejection**

Claims 41-58 are rejected as being unpatentable over Wied in view of Tadaharu.

Wied discloses a conventional drawer guide having a plurality of guide rails, a rolling member assembly for guiding one of the guide rails in a displaceable manner on another guide rail in a direction of movement of the drawer, and a cage for the rolling members comprising a rear cage portion.

However, Wied does not disclose or remotely suggest any fluid passage openings on at least one partial section of the rear cage portion, as claimed by Applicants. The Examiner acknowledges this fact at page 3 of the Office Action.

The Examiner relies on Tadaharu as disclosing that the guide rails 15 and 16 are provided with fluid passages 15a and 16a. Claim 41 as originally written specified the provision of a rear

rail portion and/or a rear cage portion, where at least one partial section of the rear rail portion and the rear cage portion was provided with fluid passage openings. Applicant has amended claim 41 herein to delete the subject matter relating to the provision of a rear rail portion having a partial section that is provided with fluid passage openings. Accordingly, Applicants' amended claim 41 is limited to the provision of a rear cage portion having at least one partial section provided with fluid passage openings. Tadaharu does not disclose or remotely suggest a rear cage portion having at least one partial section provided with fluid passage openings, as claimed by Applicant.

Tadaharu discloses a dish washing machine having fixed guide rails (rack rails 15 and 16) for a drawer. Tadaharu does not show or describe the drawer in any detail. Further, Tadaharu does not disclose any other guide rails that are movably supported on guide rails 15 and 16. In addition, Tadaharu does not disclose a rolling member assembly for guiding one of the guide rails in a displaceable manner on another guide rail in a direction of movement of the drawer. As a result, Tadaharu does not disclose or suggest a cage for such rolling members having a rear cage portion. Therefore, as Tadaharu does not disclose or suggest such a rear cage portion, Tadaharu cannot be read as disclosing or suggesting any fluid passage openings on at least one partial section of such a rear cage portion, as claimed by Applicant (The Examiner is referred to the partial translation of Tadaharu provided with Applicant's Response filed on February 4, 2008).

Accordingly, the combination of Wied and Tadaharu does not disclose or remotely suggest the step of providing a rear cage portion on the cage for the rolling members of a rolling member assembly, where the rear cage portion includes at least one partial section that extends in the direction of movement of the drawer and is provided with fluid passage openings in such a manner that said liquid or gas is adapted to flow through the cage when the chamber is in use, as claimed by Applicant.

In addition, it is noted it would not have been obvious to one skilled in the art to use a conventional telescopic drawer guide as disclosed in Wied in a dish washing machine. Further, Tadaharu teaches away from using a conventional telescopic drawer guide having a plurality of guide rails displaceable on other guide rails in a direction of movement of a drawer, as Tadaharu

discloses using a drawer which slides or rolls on stationary guide rails instead of such a telescopic drawer guide. A person of ordinary skill in the art would have learned from Tadaharu that the goal of displaceably guiding a drawer in a dishwasher can be achieved by means of a pair of stationary guide rails. There is no suggestion in either Wied or Tadaharu that would have lead a person of ordinary skill in the art to replace the simple guide rail arrangement of Tadaharu with the more complicated arrangement of Wied, which requires the presence of additional guide rails, rolling member assemblies, and cages for holding the rolling members.

Even assuming *arguendo* that a person of ordinary skill in the art would have considered replacing the stationary guide rails of Tadaharu with the telescopic drawer guide of Wied, and then provided the guide rails of the Wied structure with fluid passage openings as taught by Tadaharu, there is no teaching or motivation to be found in either reference that would have lead one of ordinary skill in the art to provide a partial section of a rear cage portion on the cage for the rolling members with fluid passage openings.

Applicant respectfully submits that the present invention is not anticipated by and would not have been obvious to one skilled in the art in view of Wied, taken alone or in combination with Tadaharu or any of the other prior art of record.

Further remarks regarding the asserted relationship between Applicant's claims and the prior art are not deemed necessary, in view of the amended claims and the foregoing discussion. Applicant's silence as to any of the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection.

Withdrawal of the rejections under 35 U.S.C. § 103(a) is therefore respectfully requested.

Conclusion

In view of the above, the Examiner is respectfully requested to reconsider this application, allow each of the presently pending claims, and to pass this application on to issue. If there are any remaining issues that need to be addressed in order to place this application into condition for allowance, the Examiner is requested to telephone Applicant's undersigned attorney.

Respectfully submitted,



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